

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Regarding: Application No. 76/716,810
Mark: FABRIC FIRE GARD
International Class No. 001
Filing Date August 25, 2014
Originally Stated Dates of First Use Anywhere and in Commerce: As Early as 2001
Request to Withdraw Dismissal of Appeal and to Reset Time for Filing Brief

Attention: Trademark Trial and Appeal Board (TTAB)

I certify that this correspondence is deposited with the U.S. Postal Service in an envelope having sufficient postage as first class mail addressed to the Office address below on May 25, 2016.

Christopher John Rudy: Christopher John Rudy (2 pages) 5/25/2016.

Commissioner for Trademarks
Post Office Box No. 1451
Alexandria, VA 22313-1451

To the Commissioner for Trademarks:

Thank you for 05/10/2016 Proceedings Resumed paper postmarked MAY 13 2016 for the application of reference, by which the present appeal was dismissed for not filing a brief within the time set forth in the Office action of February 11, 2016. Please withdraw the dismissal of the appeal, and reset the time to file a brief in support of the appeal.

The Appellant's undersigned attorney did not receive and has not received the Office action of February 11, 2016 by mail, nor was he aware of any such action until he received the 05/10/2016 Proceedings Resumed paper on May 17, 2016. Correspondence in the present application is conducted by mail, and – although he anxiously awaited notice of resumption of the appeal following his receipt on February 8th of the FEB - 1 2016 Request for Reconsideration Denied action postmarked FEB 02 2016 and the letter from Lalita Greene, Paralegal Specialist, which was nominally mailed on January 29, 2016 but also postmarked FEB 02 2016, and which indicated that the Appellant would be allowed time in which to file its brief on appeal in the event that the refusal of registration was maintained by the Examining Attorney; checking the mail frequently with an eye to receiving such notice, but not thinking to call or check online for an indication of any issue of the same, which he was not obliged to do – following receipt of the 05/10/2016 paper and conduct of a telephone call with Hind of the TTAB on May 17, 2016, for which the undersigned is grateful for the courtesies rendered and for the information that there was a 30-day period from the May 10th date to request reconsideration of the TTAB, on May 20, 2016 he thought to check the TESS/TDSR files online and only then did he first obtain and read the February 11th Office action (copy attached). No intent to deceive or delay was or is present.

Respectfully,

Dated: May 25, 2016 A.D.

Christopher John Rudy
Christopher John Rudy

USPTO Reg. No. 31,873
209 Huron Avenue, Suite 8
Port Huron, Michigan 48060
Telephone (810) 982-4221

Attmt



UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: February 11, 2016

In re No-Burn Investments, L.L.C.

Serial No. 76716810

Filed: 8/25/2014

Lalita Greene, Paralegal Specialist:

In view of the decision by the Trademark Examining Attorney on February 1, 2016, the appeal is resumed; and applicant is allowed until sixty days from the mailing date hereof in which to file its brief herein. A request for an oral hearing, if desired, must be made not later than ten days after the due date for applicant's reply brief.

Search:

Exparte Appeal

Number: 76716810

Filing Date: 01/11/2016

Status: Pending

Status Date: 01/29/2016

General Contact Number: 571-272-8500

Paralegal Name: LALITA GREENE

Plaintiff

Name: No-Burn Investments, L.L.C.

Correspondence: CHRISTOPHER JOHN RUDY
209 HURON AVE STE 8
PORT HURON, MI 48060-3860
UNITED STATES

Phone: 810-982-4221

Serial #: 76716810 Application File

Assignment

Application Ex Parte Appeal Pending

Status:

Mark: FABRIC FIRE GARD

Prosecution History

#	Date	History Text
<u>6</u>	05/10/2016	<u>PROCEEDINGS RESUMED</u>
<u>5</u>	02/11/2016	<u>PROCEEDINGS RESUMED</u>
<u>4</u>	02/01/2016	<u>RECON DENIED</u>
<u>3</u>	01/29/2016	PENDING, INSTITUTED
<u>2</u>	01/29/2016	<u>APPEAL ACKNOWLEDGED; CASE REMANDED</u>
<u>1</u>	01/11/2016	<u>APPEAL TO BOARD</u>

Results as of 05/20/2016 02:01 PM

Search:

2:00 PM
5/20/2016